

REMARKS

Claims 1, 4-22, and 24-29 are pending in the above-identified application. Claims 13-16 and claims 18-21 are currently withdrawn from consideration. As such, claims 1, 4-12, 17, 22, and 24-29 stand ready for further action on the merits. In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. § 103(a)

1) Claims 1, 4-10, 12, 17, 22, and 24-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0125818 to Sato et al. (hereinafter, "Sato '818") (paragraphs 4-5 of the outstanding Office Action).

2) Claims 11 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato '818 in view of U.S. Patent No. 6,962,755 to Ise et al. (hereinafter, "Ise '755") (paragraph 6 of the outstanding Office Action).

Applicants respectfully traverse, and reconsideration and withdrawal of these rejections are respectfully requested.

Legal Standard for Determining Prima Facie Obviousness

MPEP 2141 sets forth the guidelines in determining obviousness. First, the Examiner has to take into account the factual inquiries set forth in *Graham v. John Deere*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), which has provided the controlling framework for an obviousness analysis. The four *Graham* factors are:

- (a) determining the scope and content of the prior art;
- (b) ascertaining the differences between the prior art and the claims in issue;
- (c) resolving the level of ordinary skill in the pertinent art; and
- (d) evaluating any evidence of secondary considerations.

Graham v. John Deere, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966).

Second, the Examiner has to provide some rationale for determining obviousness. MPEP 2143 sets forth some rationales that were established in the recent decision of *KSR International Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

As the MPEP directs, all claim limitations must be considered in view of the cited prior art in order to establish a *prima facie* case of obviousness. See MPEP 2143.03.

The Present Invention

Independent claim 1 recites:

An organic electroluminescent device comprising:
a pair of electrodes; and
at least one organic layer between the pair of electrodes, the at least one organic layer including a luminescent layer,
wherein the luminescent layer contains at least one electron injection/transport compound, at least one hole injection/transport compound, and at least one green or blue phosphorescent compound; and the electron injection/transport compound and the hole injection/transport compound each has a minimum triplet exciton energy value which is equal to or more than that of the green or blue phosphorescent compound;
wherein the hole injection/transport compound has an ionization potential of from 5.6 eV to 6.1 eV and the electron injection/transport compound has an electron affinity of from 2.0 eV to 3.5 eV; and
wherein the electron injection/transport compound, the hole injection/transport compound and the green or blue phosphorescent compound each has a T₁ value of 62 kcal/mole or more.

Distinctions over the Cited References

In paragraph 7 of the outstanding Office Action, the Examiner asserts that the previously filed Rule 132 Declaration was insufficient to overcome the outstanding rejections because Additional Examples 1 and 2 are not within the scope of independent claim 1. Specifically, claim 1 recites that each of the electron injection/transport compound, the hole injection/transport compound, and the green or blue phosphorescent compound has a T₁ value of 62 kcal/mole or more. The Examiner notes that Additional Examples 1-2 include CBP, which has a T₁ value of 60 kcal/mole.

As such, enclosed herewith is another 37 CFR § 1.132 Declaration of Toshihiro Ise, one of the present inventors. The Examiner is respectfully requested to review the enclosed Declaration of Dr. Ise as it provides strong evidence of the patentability of the present invention.

In the enclosed Declaration, three additional inventive examples are provided wherein the CBP has been replaced with a pyrrole compound having a T₁ value of 62 kcal/mole or more. As shown in the table of the enclosed Declaration in conjunction with the previously filed Declarations, it is extremely difficult to meet both of the conditions for I_p and E_a and the condition for T₁. These inventive examples overcome the deficiencies noted by the Examiner in the outstanding Office Action.

Therefore, as stated in *KSR International Co. v Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007), “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Furthermore, the mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art. *Id.* As described above, Applicants have shown that the present invention achieves unexpected and unpredictable results. Thus, due to the unexpected results as achieved by the present invention, the rejections have been overcome. Reconsideration and withdrawal of these rejections are respectfully requested.

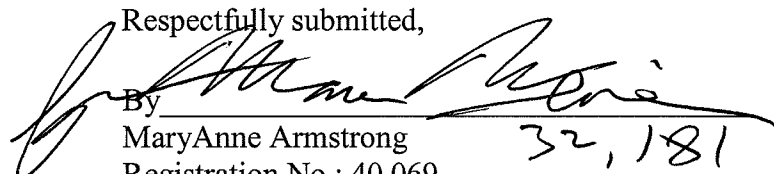
CONCLUSION

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case clearly indicating that each of claims 1, 4-12, 17, 22, and 24-29 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Reg. No. 58,258, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,
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Attachment: 37 CFR § 1.132 Declaration of Toshihiro Ise